

**SHOOK**  
HARDY & BACON

Thomas J. Sullivan

May 10, 2021

Two Commerce Square  
2001 Market St., Suite 3000  
Philadelphia, Pennsylvania 19103  
t 215.278.2555  
dd 215.575.3130  
f 215.278.2594  
tsullivan@shb.com

**VIA CM/ECF**

The Honorable Susan D. Wigenton  
United States District Court  
District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street, Room MLK 5C  
Newark, NJ 07101

Re: **Notice of Related Case – *Thomas Maiorino v. Bayer Corp., et al.*  
(Case No. 2:21-cv-07579-SDW-LDW)**

Dear Judge Wigenton:

Pursuant to L. Civ. R. 40.1(c), Defendants Bayer Corporation and Elanco Animal Health Inc. (collectively, “Defendants”) hereby provide notice that the following action currently pending in this Court and assigned to District Judge Claire C. Cecchi, entitled *Rhonda Bomwell, et al. v. Bayer HealthCare LLC, et al.*, No. 2:21-cv-09479-CCC-JSA (the “*Bomwell Action*”), is related to the above-referenced action (the “*Maiorino Action*”). Pursuant to Rule 40.1(c), a civil action is considered related when it:

- (1) relates to any property included in a case already pending in this Court;
- (2) grows out of the same transaction as any case already pending in this Court; or
- (3) involves the validity or infringement of any patent, copyright or trademark which is involved in a case already pending in this Court.

Civ. L.R. 40.1(c). These factors are satisfied here because both actions name Bayer and Elanco entities as defendants and allege consumer fraud claims regarding the marketing of Elanco’s Seresto® flea and tick prevention collars for dogs and cats. The plaintiffs in both cases:

- challenge the same Seresto® products;
- seek to represent a putative class of New Jersey purchasers of Seresto®;
- name Bayer and Elanco entities as defendants;
- assert a violation of the New Jersey Consumer Fraud Act;



The Honorable Susan D. Wigenton

May 10, 2021  
Page 2

- assert claims for breach of warranty; and
- assert similar theories of economic injury.

Defendants therefore request that the *Bomwell* Action be reassigned to District Judge Susan D. Wigenton, presiding Judge over the lower-numbered case of these related actions (the *Maiorino* Action).

Defendants further reserve all objections and defenses, including jurisdictional defenses, to the Complaint.

Respectfully yours,

/s/ Thomas J. Sullivan

Thomas J. Sullivan  
Partner

cc: (via CM/ECF) Counsel of Record

(via U.S. Mail) Hon. Claire C. Cecchi

(via E-Mail) Counsel of Record for *Rhonda Bomwell, et al. v. Bayer HealthCare LLC, et al.*, No. 2:21-cv-09479-CCC (D.N.J.)